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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/809,602  | 03/14/2001  | Andrew W. Wilson     | ADAPP085A2          | 4955             |
| 25920   | 7590        | 07/13/2004           | EXAMINER            |                  |
| MARTINE & PENILLA, LLP<br>710 LAKEWAY DRIVE<br>SUITE 170<br>SUNNYVALE, CA 94085 |             |                      | DENNISON, JERRY B   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2143                |                  |

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,602

Applicant(s)

WILSON, ANDREW W.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. This Action is in response to Application Number 09809602 received on 14 March 2001.
2. Claims 1-27 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. (U.S. Patent Number 6,640,241).

3. Regarding claim 1, Ozzie teaches a method for target device discovery on a network, comprising:

multicasting a signal from a master initiator over the network (Ozzie, col. 16, lines 44-65);

determining if a previously registered target re-registered with the master initiator by a unicast to the master initiator (Ozzie, col. 16, lines 50-65 and col. 17, lines 43-55, Ozzie teaches the communications manager responsible for managing all communications between devices wherein the transmissions can employ unicasting. The communications manager checks the status of registered devices);

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maintaining the previously registered target on a list of active targets connected to the network (Ozzie, col. 17, lines 40-57); and

sending out a next multicast with information regarding the previously registered target to notify other initiators to maintain the previously registered target on the list of targets (Ozzie, col. 17 last paragraph).

4. Regarding claim 2, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the other initiators maintain the previously registered target on initiator target lists in response to the next multicast (Ozzie, col. 18, lines 15-20, Ozzie teaches the list of devices maintained on each device).

5. Regarding claim 3, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the master initiator is elected by comparing device identification numbers of a plurality of initiators connected to the network, the master initiator having the highest device identification number (Ozzie, col. 18, lines 15-20, Ozzie teaches the list of devices maintained on each device, wherein it is inherent that each device identification is being compared to keep the status updated).

6. Regarding claim 4, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the signals from the master initiator is in a form of master identification packets (Ozzie, col. 16, lines 50-55, Ozzie teaches multicasting, wherein packets are sent with an ID).

7. Regarding claim 5, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the next multicast has a sequence number greater by one than a previous sequence number (Ozzie, col. 16, lines 50-55, Ozzie teaches sending multicast packets, where it is inherent that each packet in sequence has a sequence number greater than one).

8. Regarding claim 6, Ozzie teaches the limitations, substantially as claimed, as described in claim 5, including wherein each of the other initiators determines if the signal has been missed by comparing information included within the signal with information contained within the next multicast (Ozzie, col. 17 line 43 through col. 18, line 20, Ozzie teaches the devices obtaining status information to see changes).

9. Regarding claim 7, Ozzie teaches the limitations, substantially as claimed, as described in claim 6, including wherein each of the other initiators requests target information contained in the signal when the sequence number of the next multicast is greater than the previous sequence number of the signal and no new target information is received in connection with the next multicast (Ozzie, col. 17 line 43 through col. 18, line 20, Ozzie teaches the devices requesting status information to see changes in status of other devices).

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10. Regarding claim 8, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the sending out occurs on a periodic basis (Ozzie, col. 17 line 58 through col. 18, line 5).

11. Regarding claim 9, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network (Ozzie, col. 4, lines 60-67).

12. Regarding claim 10, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the previous registered target re-registers by unicasting information to the master initiator on a periodic basis (Ozzie, col. 16, lines 50-55).

13. The limitations of claims 11-14 and 16-22 are covered in the above rejection of claims 1-10. Therefore claims 11-14 and 16-27 are rejected by the same art as claims 1-10.

14. Claims 23-27 include a system performing the same limitations of claims 1-10, and are therefore rejected by the same art as claims 1-10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie.

15. Regarding claim 15, Ozzie teaches the limitations, substantially as claimed, as described in claim 11, including wherein devices contain an identification number in order to keep status information of all devices, but does not explicitly state wherein the device identification number is a global unique identification (GUID) number. However it would have been obvious to one in the ordinary skill in the art at the time of the invention to use unique numbers in order for the system to be able to recognize devices from each other. It would have also been obvious to interpret this identification number as being global so devices containing a status list of all other devices has all identification numbers and is able to determine which devices are logged in (Ozzie, col. 18, lines 5-20). This benefits the system in allowing users to keep an up to date status on all devices in the system without the complication of multiple devices containing the same identification number.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

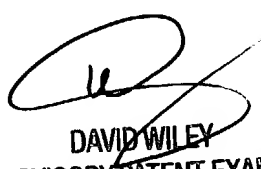
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison  
Patent Examiner  
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